



American Legion Post 149

Pickens County, GA, Inc.

P.O. Box 477

Jasper, GA 30143

CONSTITUTION

&

BYLAWS

Revised October 27, 2019 Contact Jim Brescia, Commander, jnbrs25196@aol.com 706-268-2054

Constitution

PREAMBLE

For God and Country, we associate ourselves together for the following purposes: To uphold and defend the Constitution of the United States of America; to maintain law and order; to foster and perpetuate a one hundred percent Americanism; to preserve the memories and incidents of our associations in the Great Wars; to inculcate a sense of individual obligation to the community, state and nation; to combat the autocracy of both the classes and the masses; to make right the master of might; to promote peace and goodwill on earth; to safeguard and transmit to posterity the principles of justice, freedom and democracy; to consecrate and sanctify our comradeship by our devotion to mutual helpfulness.

ARTICLE I

NAME

Section 1 The official name of this organization is: "American Legion Post 149, Pickens County GA. Inc.", a Domestic Non-Profit Georgia Corporation; referenced in this document as Pickens County Post 149.

ARTICLE II

OBJECTS & PURPOSE

Section 1 The objects and purposes of American Legion Post 149, Pickens County GA. Inc. are to promote the principles and policies of the National American Legion and the Department of Georgia of the American Legion.

ARTICLE III

NATURE of THE ORGANIZATION

Section 1 This organization is nonpolitical and shall **not** be used for the dissemination of partisan principles, or for the promotion of the candidacy of any person seeking public office or position.

Section 2 Rank does not exist in the American Legion; no member shall be addressed by his/her military title in any meeting of American Legion Post 149, Pickens County GA. Inc.

ARTICLE IV

MEMBERSHIP ELIIBILITY

Section 1. An individual is eligible for membership in The American Legion only if the individual –

(1) has served in the Armed Forces of

(A) the United States at any time during –

(i) the period of April 6, 1917, through November 11, 1918;

or

(ii) any time after December 7, 1941; or

(B) a government associated with the United States Government during a period or time referred to in subsection (A) of this section and was a citizen of the United States when the individual entered that service; and

(2) was honorably discharged or separated from that service or continues to serve honorably during or after that period or time; provided, however, that such service shall have been terminated by honorable discharge or honorable separation, or continued honorably during or after any of said periods; provided, further, that no person shall be entitled to membership who, being in such service during any of said periods, refused on conscientious, political or other grounds to subject themselves to military discipline or unqualified service.*

Section 2. There shall be no form or class of membership except an active membership, and dues shall be paid annually or for life.

Section 3. No person may be a member at any one time of more than one Post.

Section 4. No person, who has been expelled from The American Legion by a Post, and such expulsion reported by the Department to the National Headquarters within thirty (30) days, shall be admitted to membership in another Post without the consent of the expelling Post, except that where such consent has been asked for and denied by such Post, such person may then appeal to the Executive Committee of the Department of the expelling Post for permission to be admitted to membership in another Post, and shall be ineligible for membership until such permission is granted.

Section 5. All applications for membership shall be in writing and shall be acted upon by the Post Adjutant or his/her delegate, acting under his/her authority. All applications shall be processed under the procedures of the National American Legion and Department of Georgia of the American Legion.

Section 6. Any member of this post may be expelled or suspended for cause by a two-thirds (2/3) vote of the Executive Committee. The Executive Committee will act under the guidance and procedures of the Department of Georgia of the American Legion when acting to **expel** or **reinstate** any member.

Section 7. Any member who has been expelled or suspended may be reinstated to membership by a two-thirds (2/3) vote of the Executive Committee and the payment of current dues for the year in which reinstatement occurs.

Section 8. All applicants for membership must furnish a copy of their **Form DD 214**, or other proper documentation of service, as approved by the Executive Board, as proof that they are eligible for membership in The American Legion. An internal audit will be conducted annually to ensure all active members of the post are in compliance with having on file a **Form DD 214**, or other proper documentation of service, as approved by the executive committee. If documentation is not on file, the post member will be placed on suspension until documentation is provided to the executive committee for verification.

ARTICLE V

OFFICERS AND APPOINTED POSITIONS

- Section 1 The Post Officers and Appointed Positions are:
- | <u>Elected Officers:</u> | <u>Appointed Positions:</u> |
|---------------------------------|--|
| Commander | Adjutant Director of Public Relations |
| Senior Vice Commander | Chaplain Director of Youth Programs |
| Junior Vice Commander | Historian Director of Post Events |
| Finance Officer | Service Officer Director of Fundraising |
| Judge Advocate | Sergeant-At-Arms |
- Section 2 There shall be no limit on the number of terms that any officer of American Legion Post 149, Pickens County GA. Inc. can serve.
- Section 3 The Executive Committee shall consist of the Elected Officers and the Appointed members.
- Section 4 Voting members of the Executive Committee include the five elected officers (Commander, Senior Vice-Commander, Junior Vice-Commander, Finance Officer, and Judge Advocate).
- Section 5 All elected officers shall be elected annually. All Officers shall hold office until their successors are duly installed, or as otherwise provided.
- Section 6 All appointed members serve at the discretion of the Commander. The Commander can choose to fill, replace, leave open or create any appointed position, based on the post's current needs and size.
- Section 7 The Commander shall select a nominating committee of three (3) members, whose duties it will be to nominate candidates and present the slate of candidates to the membership at least one month prior to the election. Presenting candidates to the membership shall be done by whatever method is deemed most effective (mail, newsletter, email, etc.), and at general meetings. Nominations of eligible members may be accepted from the floor at a meeting prior to the election. Nominations will not be accepted from the floor at the time of the election.

- Section 8 The Annual Post Election shall be held during the June regular monthly meeting. Newly elected officers shall be installed at the July regular monthly meeting.
- Section 9 Elected officers may only be removed by a vote of 2/3 of the General Membership present at a regular meeting.
- Section 10 Every member of American Legion Post 149, Pickens County GA. Inc. in good standing is eligible to hold office in Post 149.
- Section 11 The duties of post elected officers and the Executive Committee shall be as provided for in the By-Laws.

ARTICLE VI

FINANCE

- Section 1 Revenues for American Legion Post 149, Pickens County GA. Inc. shall be derived from membership dues, member donations, and fundraisers. Fundraisers must be presented discussed and approved by the post's executive committee, and is only in effect after approval by a majority vote of the membership attending a follow up post General Meeting. This post can also obtain direct funds from sponsors and private donors who are not members of the post. The Executive Committee has the right to **not** accept a donation from any source deemed to be un-American, politically biased, or in any other way in conflict with its Constitution, By-Laws, ideals or ethics.
- Section 2 The amount of American Legion Post 149, Pickens County GA. Inc. membership fees and annual dues shall be determined by the Executive Committee, and the total amount shall also include the amounts required for membership in both the National American Legion and the Department of Georgia of the American Legion.
- Section 3 American Legion Post 149, Pickens County GA. Inc. shall ensure that payment is made for every post member to the National American Legion and the Department of Georgia of the American Legion.
- Section 4 A Financial Records Audit will be conducted annually or as directed by the Judge Advocate.
- Section 5 The dispersal of Emergency Financial Assistance from the post's operational or benevolent funds of \$250 or less, may be approved by the five elected officers. Emergency expenditures above \$250 have to be presented to the membership for approval.
- Section 6 Non-emergency expenditures up to 5% of the then cash balance in the Post accounts may be approved by the Elected Officers. Any non-emergency expenditure amount above 5% of the then current cash balance in the Post accounts has to be presented to the membership for approval.

ARTICLE VII

CHARTER MEMBERS

Section 1 Members, who joined American Legion Post 149, Pickens County GA. Inc. prior to 03/26/1985, are known as "Charter Members".

ARTICLE VIII

AMENDMENTS

Section 1 This Constitution is adopted subject to the provisions of the National Constitution of The American Legion and of the Constitution of the Department of Georgia.

Section 2 This Constitution may be amended at any regular meeting by a vote of two-thirds (2/3) of the members attending any regular Post meeting, providing that the proposed amendment will have been submitted in writing and read at the preceding regular meeting. Providing, further that written notice will have been given through the local meeting and or email to all members at least ten days in advance of the date when such amendment is to be voted upon, notifying said members that at such meeting a proposal to amend the constitution is to be voted on.

Section 3 This Constitution, all By-Laws as adopted, and all amendments, shall become effective after approval by the Department of Georgia Judge Advocate, in accordance with the National American Legion and Department of Georgia of the American Legion regulations.

BY-LAWS

ARTICLE I

NAME

- Section 1 These are the By-Laws of the “American Legion Post 149, Pickens County GA, Inc.”, a Domestic Non-Profit Georgia Corporation and referenced in this document as Pickens County Post 149.
- Section 2 The objects and purposes of this post are set forth in its Constitution.

ARTICLE II

MANAGEMENT

- Section 1 This post is managed by a group of post elected Officers and appointed members known as the Executive Committee.
- Section 2 The Executive Committee consists of 5 (five) elected voting members and any appointed members. A meeting of the Executive Committee will require a minimum of 3 (three) elected officers in attendance for a quorum and to be able to conduct the business of the post. The following elected Post members make up the voting membership of the Executive Committee: Post Commander, Senior Vice-Commander, Junior Vice-Commander, Finance Officer and Judge Advocate.
- Section 3 All elected officers shall be elected annually as set forth by the Constitution.
- Section 4 All vacancies for any existing office of the post, from any cause other than expiration of the term, shall be filled by a majority vote of the remaining elected members of the Executive Committee. Any officer so appointed shall hold office for the unexpired term of the officer succeeded. A vacancy shall exist when an officer is absent from the post for a continuous period considered detrimental to the interest of the post by the Executive Committee.

ARTICLE III

POST EXECUTIVE COMMITTEE

- Section 1 The Executive Committee will meet monthly, or as needed, to address issues related to the management of the post. At least 3 (three) elected officers are needed to constitute a meeting quorum. Other post members, appointed members and committee chairmen may attend an Executive Committee meeting as desired or as requested by the elected officers, to report or comment on meeting agenda items, but will not vote on the issues brought forward by the committee for approval.

Section 2 The Commander shall call a special meeting of the Executive Committee upon a written request from three (3) or more voting members of the Executive Committee.

Section 3 The Executive Committee can, as needed: authorize expenditures; hear reports; and take actions as appropriate to manage all post affairs. At the Commander's discretion, a special Executive Committee Meeting can be conducted through electronic communications (E.g. E-Mail), as long as it is paper documented and meets Quorum requirements for the Executive Committee. Decisions or actions of the executive committee that are in effect are reviewed and voted on by the membership attending a follow up general post meeting.

Section 4 An Executive Committee Session, is a closed gathering of the Executive Committee to talk about sensitive issues, with no minutes taken.

ARTICLE IV

DUTIES OF OFFICERS

Section 1 ***Duties of the Post Commander.*** It is the duty of the Post Commander to preside at all meetings of the post and to have supervision over the business of the post. He/she is entrusted with the supervision of the duties of all other post officers. The Post Commander is the Chief Executive Officer of the post. The Commander prepares the meeting agendas. He/she assigns responsibilities and checks back to see that there is progress. The Commander is responsible for giving recognition to those who work for the Post.

Section 2 ***Duties of the Senior Vice-Commander.*** The Senior Vice-Commander shall assume and discharge the duties of the office of Commander in the absence or disability of, or when called upon by the Post Commander. The Senior-Vice Commander has the primary responsibility for increasing membership. The Senior Vice-Commander shall perform specific functions as assigned by the Post Commander.

Section 3 ***Duties of the Junior Vice-Commander.*** The Junior Vice-Commander has the responsibility for creating an atmosphere of enjoyment in the Post by scheduling speakers, activities and programs that engage members. The Junior Vice-Commander shares in the responsibility for retaining and increasing membership. The Junior Vice-Commander shall perform specific functions as assigned by the Post Commander.

Section 4 ***Duties of the Finance Officer.*** The Finance Officer shall have charge of all finances and ensure the post's funds are deposited in appropriate financial institutions, and shall report the financial condition of the post once a month to the Executive Committee and to the general membership. He/she shall ensure that surety bonds are obtained, if required, for the key post officers who have fiduciary responsibilities. The Finance Officer shall be chairman of the Finance

Committee. The Finance Officer will attend the annual audit and provide the Post finance records as directed by the Judge Advocate. The Finance Officer shall perform specific functions as assigned by the Post Commander. The Commander, Adjutant and Finance Officer will have signature authority on all fund accounts.

Section 5 ***Duties of the Judge Advocate.*** The Judge Advocate shall be the advisor to the Commander and post officers concerning the interpretation of parliamentary procedures. He/she shall also advise post officers concerning the Constitution and By-Laws of the post, the Department of Georgia, and the National American Legion. The Judge Advocate is a member of the Post audit committee. He/she maintains contact with other posts, District and National American Legion organizations. The Judge Advocate shall perform specific functions as assigned by the Post Commander.

Section 6 ***Duties of the Post Adjutant.*** The Post Adjutant is the primary administrative officer for the Post. He/she is the personnel officer. The Post Adjutant shall have charge of all proceedings and records as the Department of Georgia and National American Legion may require. The Post Adjutant shall maintain a roster of all members and committee assignments and render reports of membership annually and when called upon at meetings. He/she shall handle all correspondence of the post, authenticate post members in good standing, and sign membership cards as required. The Post Adjutant often publishes official orders, announcements and communications with Post members. The Post Adjutant shall perform specific functions as assigned by the Post Commander.

Section 7 ***Duties of the Post Chaplain.*** The Post Chaplain shall be charged with the spiritual welfare of the post members and will provide assistance as appropriate for funeral and memorial services. The Chaplain shall gather information about members and member family members who have deceased or are hospitalized or having medical issues. Discretion will be used to decide what information to share at the regular monthly meetings. The Chaplain is the spiritual representative of the Post at all events and as such, might be called upon to offer spiritual comments.

Section 8 ***Duties of the Service Officer.*** The Service Officer is responsible for bringing awareness to all veterans and their dependents of the rights and benefits granted them by law. The Post Service Officer shall assist former service members in getting relief from governmental agencies; inform himself as to the provisions of the federal statutes on behalf of service persons; and act as liaison between members of the post and branches of the national and state governments. He/she must stay current on the resources available to assist veterans and the current laws effecting veterans.

Section 9 ***Duties of Post Historian.*** The Post Historian shall be charged with the preservation of records of the activities of the post and post members in a

suitable yearly album, and shall perform such other duties as may properly pertain to the office as may be determined by the Executive Committee.

Section 10 ***Duties of the Sergeant-at-Arms.*** The Sergeant-at-Arms shall preserve order at meetings and shall perform such duties as may be assigned by the Executive Committee. He/she shall be custodian of all paraphernalia and colors and see that they are appropriately displayed in accordance with the “Manual of Ceremonies of the American Legion”, and that the meeting place is prepared beforehand for meetings or activities. The Sergeant-at-Arms will prepare a place among the seats in memoriam for the dead, missing and prisoners of our military.

ARTICLE V

DELEGATES

Section 1 Delegates and alternates to any District or Department of Georgia Convention shall be appointed by the Post Commander prior to the date of the convention.

Section 2 The sitting Post Commander shall be the Chairman of the Convention Delegation.

ARTICLE VI

APPOINTMENTS

Section 1 The Post Commander, upon taking office each year, may appoint the following committees: Finance, Veterans Assistance, Fund Raising, events planning, marketing/branding and other committees, as needed. These appointments are at the Post Commander’s discretion, based on the current size and needs of the post.

Section 2 Standing committee chairs are assigned by the Commander as needed to conduct the business of the Post.

ARTICLE VII

RESOLUTIONS

Section 1 Resolutions approved by this post that address issues at the National American Legion or Georgia statewide level will be forwarded to the Department of Georgia for action based on their procedures and policies.

ARTICLE VIII

MEETINGS

Section 1 This post shall meet monthly, or as needed, to address issues related to the post. These meetings shall be held at a suitable location, as central to the locations of the membership as practical. Members shall be notified by whatever method

deemed most effective (mail, newsletter, email, phone, etc.) at least seven (7) days prior to the meeting as to the time and place; at which time normal business may be discussed and implemented.

- Section 2 The Commander, or a majority of the Elected Officers, shall have the power to call a special meeting of the post at any time.
- Section 3 Upon the written request of ten (10) post members, the Executive Committee may call a special meeting of the post.
- Section 4 Members shall be notified by whatever method deemed most effective (mail, newsletter, email, phone, etc.) at least seven (7) days in advance of the time and place of a special meeting. The only business that can be discussed at a special meeting is the business for which the meeting is called.
- Section 5 In a General Membership meeting where three elected officers are absent, the adjutant will open the meeting and select one of the officers present to conduct the meeting, provided there is a quorum of members present. Fifteen (15) members shall constitute a quorum.

ARTICLE IX

RULES OF ORDER

- Section 1 All proceedings of this post shall be conducted pursuant to “Robert’s Rules of Order” Parliamentary Procedure (Latest Revision) and as otherwise provided in the Post By-Laws and Constitution.

ARTICLE X

LIMITATIONS OF LIABILITIES

- Section 1 The Post **shall not** incur, or cause to be incurred, any liabilities nor obligations subject to any other post, or their members, or of the American Legion, or any other individuals, corporations or organizations.

ARTICLE XI


AMENDMENTS

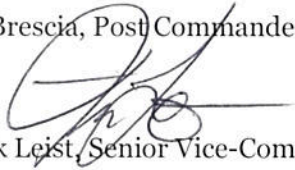
- Section 1 Amendments to these By-Laws shall be presented in writing at a regular meeting of the post. If the reading of such amendment is approved by a majority of those present, the membership shall be notified by whatever method deemed most effective (media, mail, newsletter, email, phone, etc.), that such amendment shall be considered for adoption at a specific future meeting. Such written notice shall be received at least 10 (10) days prior to the meeting at which it is to be considered. Such amendment (s) shall be adopted by a two-thirds (2/3) vote of those present at such meeting and eligible to vote. Providing, further that written notice will have been given through the local meeting and or email to all

members at least ten (10) days in advance of the date when such amendment is to be voted upon, notifying said members that at such meeting a proposal to amend the constitution is to be voted on.


Section 2 These By-Laws and all amendments thereto, shall become effective upon approval of the Judge Advocate of the Department of Georgia in accordance with the National and Department of Georgia of the American Legion regulations.

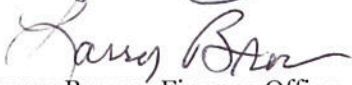
Signatures:

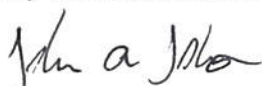

/s/ Jim Brescia, Post Commander Date: Jan 11, 2020


/s/ Frank Leist, Senior Vice-Commander Date: Jan 11, 2020

1-11-2020
/s/ Steve Hammer, Junior Vice-Commander Date: Steve N. Hammer


/s/ Tim Pearson, Judge Advocate Date: Jan 15 2020


/s/ Larry Brown, Finance Officer Date: Jan 11, 2020


/s/ John Johnson, Post Adjutant Date: Jan 11 2020